## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

UNITED STATES OF AMERICA, EX REL. MICHAEL N. SWETNAM, JR.,

Plaintiff,

VS.

VALLEY BAPTIST HEALTH SYSTEM AND VALLEY BAPTIST MEDICAL CENTER,

Defendants.

CASE NO. 1:08-CV-446

## **IOINT AGREED MOTION TO MODIFY SCHEDULING ORDER**

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Plaintiff, United States of America ex. rel. Michael N. Swetnam, Jr., and Defendants, Valley Baptist Health System and Valley Baptist Medical Center, file this *Joint Agreed Motion to Modify Scheduling Order*, and would show the Court the following:

On April 9, 2013, the Court entered an Agreed Scheduling Order [Doc #81]. The parties have been cooperating in discovery efforts, but the production of certain requested information and data has been difficult to achieve given the age of the requested records, computer systems being replaced, etc.; therefore, the parties hereby move to modify the Scheduling Order by extending the deadlines, pre-trial conference and jury trial approximately one hundred forty (140) days. See Exhibits "A" and "B", agreed discovery extensions.

Although some discovery has been conducted, additional time for discovery is needed due to the difficulty experienced in retrieving older data. For those reasons, the parties jointly propose a modification of the Agreed Scheduling Order that is attached hereto as Exhibit "C".

This modification is not sought for purposes of delay, but rather so that discovery can be completed and justice be served. The parties respectfully request that this Court modify the current Scheduling Order and grant the parties all other proper relief.

## Respectfully submitted,

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was forwarded to the following attorneys of record in accordance with the Federal Rules of Civil Procedure on this  $10^{th}$  day of September 2013:

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